Currently, Medicare and Medicaid pay for very few community-based or home-care services, such as homemaker or chore services. Medicare pays primarily for acute care services in the home, such as skilled nursing care, physical therapy or speech therapy. Some nursing home care is paid for by Medicare but beneficiaries must meet strict eligibility guidelines. In 1987, less than 7 percent of Medicare's budget was spent on long-term care services; this includes expenditures for skilled nursing facilities, home health, and hospice care.

Although Medicaid coverage includes a more comprehensive array of community-based and home-care services, because Medicaid is a joint Federal/State program, services vary from State to State. Under current law, an elderly adult living in the community is eligible for Medicaid if he or she is receiving cash assistance from the SSI program. This means that only 36 percent of the elderly living below the poverty line are eligible for Medicaid.

What all these statistics mean is that there are tremendous gaps in our health care system. Most home-care is provided informally by family. It's only when the demands of care-giving become so great, do families seek assistance outside. Trends such as increased mobility, a decrease in family size, growing numbers of women entering the work force, and many other recent societal changes all are working to severely strain the weak long-term care system we have in place.

Approximately 5 percent of all elderly are in a nursing home at any point in time; and for every person in a nursing home there are two similarly functionally disabled persons living in the community. This adds up to approximately 15 percent of the aged population. The vast majority of the aged are not disabled or dependent in activities of daily living. I think this is an important point to keep in mind. The problem is not too big to manage, but we need to act now so that as America "greys" we will have the means to help those 15 percent who will need assistance.

Senator MITCHELL's bill is a good starting point for a serious national dialog on the best and most fiscally responsible ways to deal with the long-term care crisis and develop a national long-term care policy.

The Long Term Assistance Act of 1988 provides a solid framework for future discussion. It is a sign of our times that any major spending bill must also include ways to finance it. Senator MITCHELL has taken on this challenge with several proposals for raising the funds to finance long-term care benefits, and I think they are well worth considering.

Mr. President, I am committed to playing an active role in this debate. Through my seat on the Senate Finance Committee, I plan to work with Senator MITCHELL and our other colleagues on confronting the long-term crisis head on. It is time to end the fear that strikes elderly and their families. We must meet the challenge with compassion and constructive solutions. I am pleased to be part of getting this effort underway.

## H.R. 5, THE ELEMENTARY AND SECONDARY EDUCATION IMPROVEMENT ACT

Mr. MOYNIHAN. I rise today to congratulate the Senate on passing the conference report on H.R. 5, the Elementary and Secondary Education Improvement Act of 1987, and sending this vital legislation on its way to the President. This bill reauthorizes many essential programs such as chapter 1, chapter 2, impact aid, magnet schools, and bilingual education, and creates new ones such as dropout prevention, computer education, and classroom instruction via satellite. All these programs are indeed necessary for the proper education and training of our Nation's children.

Knowledge is power; economic and political power. As our founders wrote over and over, the survival of our Republic depends on the ability of our people to guard their liberties; education is the instrument by which they are able to do so. Without education, the ability to read and understand and apply what one has read, individuals are deprived of the most valuable tool by which they can hold their elected representatives accountable.

It is education, pure and simple, which this bill will provide. Millions of children stand to benefit, not a few of them in my own State of New York.

Of particular importance to me is the Magnet School Program. Magnet schools are schools which seek to attract a desegregated student body by offering a specialized and focused academic program. In recent decades, magnet schools have been especially beneficial as a means of desegregating our Nation's school system. In my own State of New York, we have many magnet schools, some have been recognized nationally for both academic achievement and radical integration.

H.R. 5 includes the provisions of a bill I introduced on the first day of the 100th Congress, the Magnet School Expansion Act (S. 38). This bill sought to raise the level of funding for this program from $75 million to $150 million. I am pleased to see that H.R. 5 authorizes the Magnet School Program at $165 million for fiscal year 1989. The primary reason for introducing S. 38 was to ensure that both existing magnet school programs and new ones would have equal opportunity to be funded under this program. It is my hope that with these additional funds, we will be able to do so.

The importance of this program cannot be underestimated. Last year, 126 school districts applied for funding but only 38 were funded. Clearly there is an overwhelming demand to increase programs of voluntary desegration. Why? Because we have emerging a situation where there are no longer dual sets of schools but rather, dual sets of neighborhoods. The result has been inequalities in our educational system—Magnet schools can provide a very effective solution.

The first $75 million appropriated will be distributed with no consideration to an applicant's prior funding. The additional $90 million will be distributed with special consideration given to those applicants that have never been funded under the Magnet School Program. In this way, those programs that are working are allowed to continue doing so and those that need start-up funds are given the chance.

Surely all of the programs authorized under H.R. 5 will benefit millions of children across this Nation. In passing this legislation today, the Senate is reaffirming its commitment to those children that they will be afforded equal educational opportunities and that they will reach adulthood with all the advantages such education brings forth.

## EDITORIAL SUPPORT FOR COVERT ACTION BILL

Mr. COHEN. Mr. President, several weeks ago, the Senate passed by a vote of 71 to 19, S. 1721, legislation I introduced, which would require, among other things, that the President provide notice of covert activities to Congress within 48 hours of approving such actions. That bill is currently being considered by the House Intelligence Committee, which hopes to complete action in the near future.

Subsequent to the Senate vote, a number of editorials have appeared in the Nation's press supporting this action and encouraging prompt passage by the House. They also persuasively point out to the President the inadvisability of vetoing this bill should it pass the Congress.

I ask unanimous consent, Mr. President, that these editorials from the New York Times, "Timely Law on Covert Action"; from the Washington Post, "The 48-Hour Bill"; from USA Today, "We Need Laws to Limit Covert Actions"; from the Bangor Daily News, "Cohen and Secrecy"; and from the Lewiston Daily Sun, "Veto is Out of Line" and "The Need for Oversight," be printed in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1988]

TIMELY LAW ON COVERT ACTION

While the Iran-contra grand jury prepared its first indictments last week, the Senate gave the first legislative response to that scandal. A new bill, passed by a vote of 71 to 19, would make unmistakably and laudably clear the President's obligation to notify Congress about covert actions. President Reagan utterly failed to do so in his

secret deals to sell arms to Iran to gain the release of American hostages.

Current law requires that House and Senate Intelligence Committees be notified in advance of clandestine intelligence action. In special cases the law permits "timely" notice to eight legislative leaders. Timely has never been defined in the law.

The Administration gave no notice to Congress about the Iran-contra transactions. More than 10 months after these misguided policies began, the Reagan Administration still stonewailed, still concealed an arms deal that violated solemn Presidential promises about dealing with terrorists. When these dealings finally were exposed, the Administration insisted with a straight face that it was prepared to give "timely" notice—just as soon as the last hostage had been freed.

Thus the Senate's desire to define timeliness in such cases. The new bill would still require advance notification, but in special cases would require the President to give notice no later than 48 hours after approving a covert action. The Senate went too far, however, in accommodating Administration concerns about the danger of leaks. The bill would permit the Administration to limit notification to the top majority and minority members of each chamber. It would thus exclude the chairmen of the Intelligence Committees, who are best equipped to understand the notice.

This bill would not interfere with the President's rights and capacities to carry out covert action. It would simply insure Congress's constitutional right to know and advise. The bill would not have been necessary had the Reagan Administration observed the most rudimentary compliance with the old notification law. Because the White House failed to comply, Congress now must define a term like "timely notice," one that ought to be understood by national leaders of good will.

Even after abusing longstanding expectations of trust, the Reagan White House takes a position of injured innocence and threatens a veto shouid the House approve the bill. By just such an attitude, the Administration brings the new legislation down on itself.

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[From the Washington Post, Mar. 20, 1988]

THE 48-HOUR BILL

With the bill that it passed last week, the Senate takes a necessary step in the long struggle over covert intelligence operations. Present law requires the administration to notify Congress of a covert operation before it begins except in extraordinary circumstances of great urgency, and then in a "timely" fashion. But in the Iran-contra affair, Congress discovered that the administration was interpreting the term "timely" to mean "when and if convenient" and had allowed the operation to continue for 10 months with no notification.

The Senate's bill now sets a firm limit of 48 hours in these extraordinary cases. As a gesture to the administration, in these circumstances it also limits the number of members notified to four—the leaders of the two parties in each house. It would have been better to keep the chairmen and vice chairmen of the two intelligence committees on the list. They usually have a more precise sense than the party leaders of what's involved.

Notification is more than merely an empty gesture of courtesy toward Congress, for Congress shares large responsibilities for foreign policy and national security. Beyond that, it's a safeguard. In this kind of operation, the president has no other source of advice outside the chain of command that he himself controls. There is said to have been more than one case in which a president, hearing warnings from Congress about the unsoundness of a plan, has taken a second look and dropped it. Where an operation will require appropriations, the president needs to know about congressional opposition before he becomes irrevocably committed.

No presidential power is threatened but the power to keep Congress in the dark. The administration's reason for refusing to notify Congress of the Iran-contra affair was surely to conceal President Reagan's staggering violations of his own policies.

The administration has indicated that Mr. Reagan will veto this bill. The Senate, with strong bipartisan support, gave it enough votes to override a veto. Now it goes to the House. It is careful and limited legislation—and the need for it has been demonstrated.

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[From USA Today, Mar. 16, 1988]

WE NEED NEW LAWS TO LIMIT COVERT ACTION

The Iran-contra fiasco has embarrassed a presidency, ruined promising careers and hobbled U.S. policies abroad.

And some may go to jail for their roles in that harebrained scheme to sell arms to Iran and divert some profits to Nicaraguan rebels fighting the Sandinista government.

We must make sure this doesn't happen ever again.

But sadly, the president is fighting legislation approved by the Senate Tuesday that could help prevent a replay of the Iran-contra affair. The administration is saying that if it can't defeat this law by veto, it will go to court to block it.

That would only compound the mistakes already made.

Closing the loopholes that allowed zealots in the White House to take the government into their own hands is one of the most important steps Congress can take this year. It should post this bill. And the administration should embrace it, not fight it.

The Iran-contra affair happened because Congress was kept in the dark about it for 10 months. This law would require the administration to notify congressional leaders of all covert activities within 48 hours.

Iran-contra happened because the administration, which said it would never deal with terrorists, secretly sold arms to the Ayatollah Khomeini and covertly sent money to the contras. This law would bar such covert activities unless they are justified in writing—in advance.

Iran-contra happened because some officials could claim they thought they had the president's authority. This law would eliminate that excuse by requiring written orders.

President Reagan has said he will make some of these changes in intelligence procedures. Fine, but that agreement doesn't bind him or future presidents.

Some say that making a president inform Congress about covert actions is an unconstitutional restriction on his authority to conduct foreign policy.

You can read that phony argument elsewhere on this page. But remember, the Founding Fathers gave Congress foreign policy responsibilities, too. Congress has to appropriate the money for covert activities.

The administration should treat Congress as a partner, not an enemy. If the administation cannot persuade Congress that a policy is right and necessary, then it's probably not.

That's what happened in the Iran-contra affair. Indictments in that scandal are expected any day from a grand jury impaneled by special prosecutor Lawrence Walsh.

Last week, Reagan's former national security adviser, Robert McFarlane, pleaded guilty to four counts of misleading Congress and promised to help prosecute others.

Some still insist that those who defied Congress and withheld information from it deserve medals, not handcuffs. That's a twisted view of democracy. Anyone who violates criminal laws must be held accountable.

No law can guarantee that future presidents and their aides won't deceive Congress. Or that there will never be another scandal like Iran-contra.

But we can make it more difficult. We must.

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[From the Bangor (ME) Daily News, Dec. 19-20, 1987]

COHEN AND SECRECY

Sen. William S. Cohen is continuing his aggressive pursuit of legislation that would force a president to give timely notification to Congress of covert operations.

The bill, heard this week by the Senate Select Committee on Intelligence, would require that at least eight key members of Congress be told of secret operations within 48 hours of their implementation. The administration has said it opposes the bill because it has the effect of placing restrictions on presidential action and also increases the opportunity for breaches of security.

In his testimony before the committee Wednesday, Defense Secretary Frank Carlucci, who has served under four presidents, repeated the administration arguments and offered another: President Reagan already has fixed things. "The new procedures," said the defense secretary, "are working well . . . mistakes such as in the Iran-Contra affair would not recur under the system now in effect."

Mr. Carlucci may be comfortable with the current situation, but most members of Congress are not, and they reflect what undoubtedly is the majority public sentiment.

There is a serious weakness in the defense secretary's optimistic appraisal of existing policy. As Sen. Cohen pointed out to Carlucci, White House policy may well change again following the 1988 election. "We have no guarantees," said Cohen, "That there will be a continuation of these procedures." None at all.

It is difficult to understand how intelligence gathering will be undermined by informing congressional leadership and ranking members of the intelligence committees within two days of commencement of a covert activity. The country learned a lot from the Iran-Contra scandal. One of the myths laid to rest was that of Congress being leaky, untrustworthy and unable to keep a secret. It simply isn't true.

But the heart of the matter is concensus.

Covert operations are not executed in a policy vacuum. They are part of a larger national strategy. If the ultimate objective of the policy is undesirable or if the covert action is inappropriate, unnecessary or self-defeating, no amount of secrecy will bring success. More important, no amount of secrecy will ensure eventual public support. Iran-Contra taught this country that much.

A 48-hour rule makes sense. A covert operation so iffy and so fragile that it can't withstand limited congressional scrutiny when it is two days old probably shouldn't be launched in the first place. Iran-Contra provided a good lesson there, too.

[From the Lewiston (ME) Daily Sun, Mar. 16, 1988]

VETO IS OUT OF LINE

Despite the fact that his own administration caused the distrust which prompted Congress to pursue a covert operations oversight bill, and despite the findings in the Congressional report that criticized President Reagan for creating an atmosphere that permitted the diversion of profits from arms sales, Reagan has vowed to veto any bill requiring the president to inform Congress about all covert actions within 48 hours after they start.

Last year's Iran-Contra hearings brought many interesting actions of the Reagan administration to light. Transferring the profits from secretly selling arms to Iran to the Nicaraguan Contra guerrillas—a possible violation of law—was among the most controversial. Not only did it violate the U.S. policy with regard to trade with Iran, make a spectacle of U.S. foreign policy, and cause Reagan substantial political embarrassment, it also involved a failure to notify Congress of covert action.

Current law requires the executive branch to notify the legislative branch of any covert actions, except under extraordinary circumstances, in a "timely" fashion. Although it is not defined, one can safely surmise that "timely" was not intended to mean more than 10 months, as the Reagan administration apparently interpreted it.

Had Reagan followed the spirit of the law, he could have saved himself a considerable amount of trouble and spared the United States the foreign policy setback.

The bill that the president has promised to veto was introduced by Sen. William S. Cohen. It would strengthen the oversight function of Congress with an as-soon-as-possible-or-within-48-hours stipulation. But it would also allow the president to choose if he wants to inform only the leadership of both houses and the chairmen and vice chairman of the intelligence committees if extraordinary secrecy is warranted.

The proposal, which was co-sponsored by Sen. George J. Mitchell, would also prevent individuals or clandestine groups from abusing the system and ensure that the president still has the flexibility needed to carry out his responsibilities.

In light of the Iran-Contra affair and the demonstrated need for oversight that emerged in the committee hearings, the Reagan administration can hardly defend its position of promising to veto this bill. It seems that the president is determined to retain the maximum amount of power for the executive branch despite the conflicts that are apparent.

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[From the Lewiston (ME) Daily Sun, Nov. 29, 1987]

THE NEED FOR OVERSIGHT

During the protracted Iran-Contra hearings, the short comings of current laws regulating government activities became more and more apparent.

And the subsequent congressional report issued last week criticized President Reagan for creating an atmosphere that permitted the diversion of profits from arms sales—a possible violation of the law.

In the wake of the committee's findings, legislation was introduced by Sen. William S. Cohen to close the gap on intelligence gathering and covert operations so that more than one branch of government—specifically Congress—remains apprised of secret missions; to prevent individuals or clandestine groups from abusing the system; and finally to ensure that the executive branch still has the flexibility needed to carry out the responsibilities of the president.

Co-sponsored by Sen. George J. Mitchell, the bill is aimed at preventing another debacle such as the Iran-Contra affair by adding new checks to the system of checks and balances.

That so few men—without answering to elected officials—could carry out a covert operation of this scope and impact points to a desperate need for preventative legislation. The proposal before the U.S. Senate appears to fill the gaps in the current law as well as clarify the limitations and clear up the ambiguities.

The bill strengthens the oversight function of Congress by requiring the president to notify the intelligence committees of all covert operations as soon as possible or within 48 hours. The president can choose to inform only the leadership of both houses and the chairman and vice chairman of the intelligence committees if extraordinary secrecy is mandated.

The legislation also:

requires the executive branch to reveal to Congress all government agencies, entities and third parties active in special activities;

requires that all findings be in writing unless an emergency exists, otherwise there is a 48-hour grace period;

provides for the first time, specific authority for the president to initiate covert actions;

expands the covert-operation limitations under current law applying to the CIA to cover agencies of the executive branch; and

prohibits retroactive authorization of special activities.

The committee hearings demonstrated the dire need for this bill. Congress should follow through on the committee's work and approve it—thus strengthening its own oversight function and preventing future Iran-Contra affairs.

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## CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

Mr. COHEN. Mr. President, in recognition of the plight of Soviet Jewry, I am pleased to join today with the Congressional Call to Conscience Vigil for Soviet Jews. This call to conscience reaffirms our commitment to human rights, and, in particular, the provisions of the Helsinki accords, which require the Soviet Union to respect fundamental freedoms, including the right to seek family reunification and emigration.

Clearly, there has been important progress in recent years in reaching agreements between the United States and the Soviet Union on matters of mutual interest. The INF Treaty is a prominent example. Yet, there has been insufficient progress on the important and longstanding issue of emigration for Soviet Jews and other religious minorities. Emigration of Soviet Jews today is still a small fraction of what it was in the late 1970's

During a recent trip to the Soviet Union, I met with a refusenik family I had adopted under the auspices of the student coalition for Soviet Jewry. This gave me the opportunity once again to see firsthand the effects of Soviet policies on Jews who apply to emigrate. The story of Emil Mendzheritsky, his wife Tsilia Raitburd, and his mother Vera Segal, is typical of that of thousands of Soviet Jews.

After applying for an exit visa in 1979, Emil was fired from his chemical engineering job and Tsilia from her job as a physicist. Since then, they have been accused of parisitism, and have had their apartment searched several times. Emil now works as a street cleaner and Tsilia is unemployed. Soviet authorities have made the dubious argument that this family cannot be allowed to emigrate because Emil and Tsilia once had access to state secrets. Even if that were true, and I do not believe that this is a valid reason, there is still no possible justification for the persecution that the Mendzheritskys have been subjected to. For such warm and intelligent people to be denied decent jobs for such an extended period of time in my view constitutes a form of cruel and unusual punishment.

I believe, and I know my colleagues will agree, that we must maintain our commitment to those in the Soviet Union who are being persecuted for their religious beliefs. We must continue to remind Soviet officials, calmly but persistently, that such human rights abuses are in violation of the Helsinki accords and are an impediment to improved United States-Soviet relations. If we continue to speak out, I believe that the Soviets will eventually recognize that it is in their interest to see this problem resolved. I urge my colleagues to raise this issue during visits to the Soviet Union and in their meetings with Soviet officials here in the United States.

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## MARGARET ARCH

Mr. McCAIN. Mr. President, on March 19, I had the privilege of attending a ceremony on the Navajo reservation to dedicate the naming of a sandstone arch in memory of Margaret Goldwater, the late wife of former U.S. Senator Barry Goldwater.

In a letter to Peter MacDonald, chairman of the Navajo Tribal Council, Senator Goldwater recalled seeing the arch for the first time when he and his son, Barry Jr., were camping in the area around 1947. As they laid down for the night, Barry Jr., asked if the hole above them was an arch. The elder Goldwater said he thought it was merely a hole in the clouds. The next morning both of them discovered that the hole in the clouds was actually a round arch rising above a caved spring and horseshoe shaped canyon. And so on March 19, Goldwater, his grown children, and dozens of other family members retraced the steps where Barry and Margaret, and later with their children spent so many wonderful times together.

The Navajo reservation is not unfamiliar ground to the Goldwaters. Back in the forties, Barry and Margaret spent much time traveling around the Navajo reservation, where they even